

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MUSTAPHA RAJI,	:	
	:	19 Cr. 870 (JMF)
Defendant.	:	
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WHEREAS, on or about December 4, 2019, MUSTAPHA RAJI (the “Defendant”), was charged in an four-count Indictment, 19 Cr. 870 (NRB) (the “Indictment”), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); wire fraud, in violation of Title 18, United States Code, Section 1343 and 2 (Count Two); receipt of stolen funds, in violation of Title 18, United States Code, Sections 2315 and 2 (Count Three); and money laundering conspiracy, in violation of Title 18, United States Code, Section 1956(h) (Count Four);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Three of the Indictment, including but not limited to sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Three of the Indictment;

WHEREAS, the Indictment included a second forfeiture allegation as to Count Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States

Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count Four of the Indictment, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count Four of the Indictment;

WHEREAS, on or about September 19, 2022, the Defendant was found guilty, following a jury trial, of Counts One through Four of the Indictment;

WHEREAS, the Government asserts that \$711,557.54 in United States currency represents, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), the amount of proceeds traceable to the offenses charged in Counts One through Three that the Defendant personally obtained, and pursuant to Title 18, United States Code, Section 982(a)(1), the property involved in the offense charged in Count Four of the Indictment;

WHEREAS, the Defendant consents to entry of a money judgment in the amount to of \$711,557.54 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One Through Three of the Indictment that the Defendant personally obtained, and the property involved in the offense charged in Count Four of the Indictment, for which the Defendant is jointly and severally liable with Nancy Martino-Jean, who was charged in Indictment 18 Cr. 853 (NRB) (the “Co-conspirator”), to the extent a forfeiture money judgment is entered against the Co-conspirator in that case; and

WHEREAS, the Defendant admits that as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Three of the Indictment that the Defendant personally obtained, and the property involved in the offense charged in Count Four of the Indictment, cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Robert Sobelman, of counsel, and the Defendant and his counsel, Jeremy Schneider, Esq., that:

1. As a result of the offenses charged in Counts One through Four of the Indictment, to which the Defendant was found guilty following a jury trial, a money judgment in the amount of \$711,557.54 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One through Three of the Indictment that the Defendant personally obtained, and the property involved to the offense in Count Four of the Indictment, for which the Defendant is jointly and severally liable with the Co-conspirator charged in Indictment 18 Cr. 853 (NRB), to the extent a forfeiture money judgment was entered against the Co-conspirator in that case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MUSTAPHA RAJI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendants name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:	<u>/s/ Robert Sobelman</u>	<u>6/2/2023</u>
	ROBERT SOBELMAN	DATE
	Assistant United States Attorney	
	One St. Andrew's Plaza	
	New York, NY 10007	
	(212) 637-2616	

MUSTAPHA RAJI

By:	<u>/s/ Mustapha Raji</u>	<u>6/2/2023</u>
	MUSTAPHA RAJI	DATE

By:	<u>/s/ Jeremy Schneider</u>	<u>6/2/2023</u>
	JEREMY SCHNEIDER, ESQ.	DATE
	<i>Attorney for Defendant</i>	
	100 Lafayette Street, Suite 501	
	New York, NY 10013	

SO ORDERED:

	<u>9/19/23</u>
HONORABLE JESSE M. FURMAN	DATE
UNITED STATES DISTRICT JUDGE	